



Agenda Date: 7/11/07
Agenda Item: IIIC

State of New Jersey
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF VERIZON NJ, INC.)
REQUEST FOR WAIVER, AS WITHIN TIME, OF THE)
30-DAY NOTICE PERIOD FOR FILING OF AN)
ALTERATION IN CHANNEL ALLOCATION PURSUANT)
TO N.J.A.C. 14:18-3.17(A) AND (B))

ORDER

BPU DOCKET NO. CO07050335

(SERVICE LIST ATTACHED)

BY THE BOARD

By letter dated May 15, 2007, Verizon NJ, Inc. (Verizon or Petitioner), filed a request with the Board for a waiver, as within time, of the thirty (30) day notice period for the filing of a notice of alteration in channel allocation pursuant to N.J.A.C. 14:18-3.17 (a) and (b).

Verizon claims that the waiver is necessary because it was not given sufficient time to comply with the 30-day notice requirement. In a letter dated May 1, 2007, Verizon indicated that it was notified on April 24, 2007, by its programming contractor, Programming Acquisitions, that the Black Family Channel, a Digital tier program carried on channel 242, would cease broadcasting effective April 30, 2007.

Verizon asserts that the decision to delete the programming was made by Black Family Channel and was therefore beyond its control. Verizon also claims that it did not receive the service discontinuance notice in sufficient time to alert the Office of Cable Television (OCTV) and its customers within the prescribed 30-day notice period. Verizon asserts that on May 15, 2007, subscribers were notified via on-screen notices.

N.J.A.C. 14:18-3.17 (a) and (b) require each cable company to notify the OCTV and subscribers of any channel deletions at least 30 days prior to the effective date of the deletion.

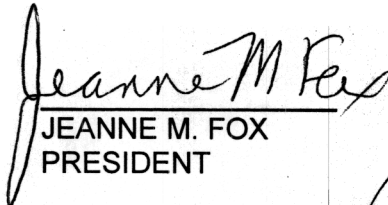
N.J.A.C. 14:18-3.17 (c) (3) provides for the relaxation of the time for providing notification when the programming service has been discontinued or withdrawn by the provider in such a manner as to leave the cable television operator without sufficient time to comply. In addition to this requirement, the cable television operator must "provide the required notice at the earliest possible date". Based upon this regulation, Petitioner seeks a waiver, as within time, of the 30-day notice requirements of N.J.A.C. 14:18-3.17 because Petitioner was unable to provide sufficient notice to the OCTV and subscribers prior to the deletion.

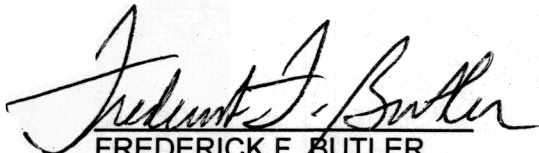
The deletion of the Black Family Channel will have no effect on any service rate to current Verizon subscribers.

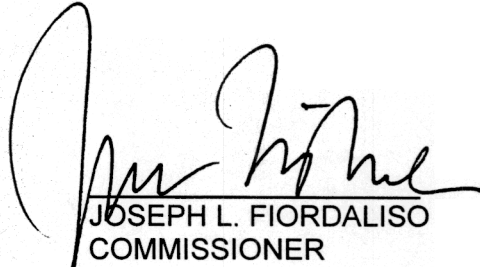
Having reviewed this matter, the Board HEREBY FINDS that the waiver is appropriate under the present circumstances. Verizon was notified of the deletion by the programming supplier with insufficient time to comply with the required 30 days prior notice but acted to inform the Board and subscribers of the impending deletion of services at the earliest date possible. Therefore, the Board HEREBY APPROVES Petitioner's request for waiver, as within time, of the alteration in channel allocation filing requirements under the circumstances previously described.


DATED: 7/12/07

BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER

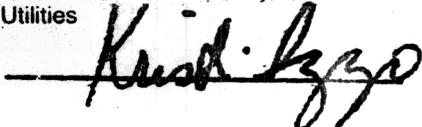

JOSEPH L. FIORDALISO
COMMISSIONER


CHRISTINE V. BATOR
COMMISSIONER

ATTEST:


CARMEN DIAZ
ACTING SECRETARY

THE BOARD CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities



**IN THE MATTER OF VERIZON NJ, INC.
REQUEST FOR WAIVER, AS WITHIN TIME, OF THE 30-DAY NOTICE PERIOD FOR FILING
OF AN ALTERATION IN CHANNEL ALLOCATION PURSUANT TO N.J.A.C. 14:18-3.17 (A)
AND (B)
DOCKET NO CO07050335**

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